



PRESS RELEASE
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U.S. Commission on Civil Rights Releases Report,
Free to Learn: Speech and Sexual Harassment on Campus

WASHINGTON – Today, the U.S. Commission on Civil Rights released its [report](#), *Free to Learn: Speech and Sexual Harassment on Campus*. The report examines the federal civil rights protections under Title IX on college campuses and their intersection with free speech rights as well as the Department of Education’s Office for Civil Rights’ (ED OCR) enforcement efforts under Title IX related to speech on college campuses.

“School communities deserve the robust enforcement of Title IX, consistent with free speech protections, that the Department of Education’s Office for Civil Rights has long promised to them and with which Congress has charged the federal government. Without this strong enforcement, students and school communities can and do suffer concrete harms in educational loss,” said **Catherine E. Lhamon**, Chair of the U.S. Commission on Civil Rights.

Key findings from the Commission majority include:

- Education institutions that receive federal funds must maintain campuses free from sex-based discrimination. Federal courts and the federal government have recognized sexual harassment as one form of sex-based discrimination for decades.
- Unwanted sexual harassment occurs with frequency in higher education institutions and can have life-changing impacts. Sexual harassment can have a significant negative affect on the academic experiences, health, and well-being of those being harassed. It has been shown to relate to disengagement, poor grades, symptoms of depression and anxiety, and raise concerns about campus safety. When perpetrated by faculty or staff, it can lead to feelings of institutional betrayal.
- ED OCR continues to publicly address the question of how Title IX enforcement comports with the First Amendment. Across Republican and Democratic presidential administrations ED OCR has explained: “OCR has consistently reaffirmed that the Federal civil rights laws it enforces protect students from prohibited discrimination, and are not intended to restrict expressive activities or speech protected under the U.S. Constitution’s First Amendment.” It continues to note that “Schools can also encourage

students on all sides of an issue to express disagreement over ideas or beliefs in a respectful manner. Schools should be alert to take more targeted responsive action when speech crosses over into direct threats or actionable speech or conduct.”

- Investigative reporting has shown that lax enforcement from ED OCR can result in schools not taking claims of sexual harassment seriously.

Key recommendations from the Commission majority include:

- ED OCR should vigorously enforce Title IX, consistent with the recognition that failure to enforce nondiscrimination principles may have deleterious effects on students, such as disengagement and psychological distress, and on campus communities more broadly.
- ED OCR should continue to make clear to the regulated community that its enforcement standards comport with and continue to adhere to First Amendment principles.
- ED OCR should collect data on sexual harassment complaints filed with or incidents reported to the college or university, and how the college university investigated and resolved each complaint or report. The data should include whether the complaint or report resulted in a misconduct finding and whether the subject of the complaint or report was disciplined and how.

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The U.S. Commission on Civil Rights is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: In our 7th decade, a continuing legacy of influence in civil rights. For more information about the Commission, please visit www.usccr.gov and follow us on [Twitter](#) and [Facebook](#).